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3. Carriers (§ 231*)—Carriage of Live Stock—Connecting Carriers—Judgment.—The court, in an action against initial and connecting carriers for damages for joint negligence in transporting a shipment of live stock, may render a joint judgment against them, they being joint tort-feasors arising from their joint concurrent negligence, in failing to properly transport the stock.

[Ed. Note.—For other cases, see Carriers, Dec. Dig. § 231.* 13 Va.-W. Va. Enc. Dig. 213.]

4. Carriers (§ 226*)—Carriage of Live Stock—Damages—Party Entitled to Sue.—Where horses were billed in the name of an agent, and the carrier knew that fact, the shipper could sue in his own name for damages to the horses during transportation.

[Ed. Note.—For other cases see Carriers, Dec. Dig. § 226.* 10 Va.-W. Va. Enc. Dig. 749.]

5. Appeal and Error (§ 1004*)—Review—Excessive Damages.—The court on appeal will not set aside a verdict for excessive damages unless it can plainly see that injustice has been done.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3944-3947; Dec. Dig. § 1004.* 4 Va.-W. Va. Enc. Dig. 202.]

Appeal from Law and Chancery Court of City of Norfolk.

Action by C. E. Crull against the Norfolk & Western Railway Company and another. From a judgment for plaintiff, defendants appeal. Affirmed.

Hughes & Little and Starke, Venable & Starke, for appellants.
G. M. Dillard, for appellee.

SLEDGE & BARKLEY et al. v. REED et al.

March 9, 1911.

[70 S. E. 523.]

1. Fraudulent Conveyances (§ 104*)—Transactions Fraudulent—Transactions between Husband and Wife.—Transfers from a husband to his wife will be closely scrutinized to determine whether they are in good faith and not merely for the purpose of placing his property beyond the reach of his creditors.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 337-344; Dec. Dig. § 104.* 6 Va.-W. Va. Enc. Dig. 581.]

2. Fraudulent Conveyances (§ 278*)—Actions—Burden of Proof.—In an action by the husband's creditors to set aside a transfer of his property to his wife, the burden is on her to prove by clear and satisfactory evidence the good faith of the transaction, and that it was not merely colorable.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 801, 802; Dec. Dig. § 278.* 6 Va.-W. Va. Enc. Dig. 581.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

3. Fraudulent Conveyances (§ 277*)—Burden of Proof—Transfers between Husband and Wife.—The burden is upon a wife, when the transfer of a bond to her by her husband is attacked by her husband's creditors, to show that the transaction represented a loan by her to the husband pursuant to a contemporaneous promise by him to pay the debt; the mere holding of the bond by her not being sufficient evidence that it was recognized as a debt when given.

[Ed. Note.—For other cases, see *Fraudulent Conveyances*, Cent. Dig. § 814; Dec. Dig. § 277.* 6 Va.-W. Va. Enc. Dig. 581.]

Appeal from Circuit Court, Brunswick County.

Suit by Sledge & Barkley against Reed and another, in which others intervened as plaintiffs. From the decree, two of plaintiffs named and another appealed. Reversed.

E. R. Turnbull, Jr., and *E. P. Buford*, for appellants.
Leo. D. Yarrell, for appellees.

GOLDSBOROUGH et al. v. WASHINGTON et al.

March 9, 1911.

[70 S. E. 525.]

1. Wills (§ 461*)—Construction—General Rules—"Or"—"And."—To give effect to the intention of a testator, "or" will be read "and," and vice versa.

[Ed. Note.—For other cases, see *Wills*, Cent. Dig. § 980; Dec. Dig. § 461.* 10 Va.-W. Va. Enc. Dig. 596.]

For other definitions, see *Words and Phrases*, vol. 1, pp. 385-394; vol. 8, p. 7575; vol. 6, pp. 5002-5015; vol. 8, p. 7739.]

2. Wills (§ 542*)—Construction—Limitation Over—Contingencies.—Where a testator devised lands to his three minor daughters with the provision that if either die under age or single or childless her portion shall be divided equally between her mother and sisters, and in other places in his will used the word single as meaning a widow, the rule that "or," when used in a devise, limited over upon certain contingencies, is to be construed as "and," and that all contingencies must happen to divest the estate, applies, and hence the contingency on which the estate over was to take place ceased at the majority of the daughters respectively, as it could not have been testator's intention that a daughter's estate should be divested and diverted from lineal descendants by a daughter becoming a widow after she had reached her majority and become the mother of children, or in case she died leaving grandchildren, but no children.

[Ed. Note.—For other cases, see *Wills*, Cent. Dig. § 1166; Dec. Dig. § 542.* 10 Va.-W. Va. Enc. Dig. 596.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.